

# EXHIBIT A

1 THE HONORABLE RONALD B. LEIGHTON

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3  
4 IN THE UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON AT TACOMA

6 STORMANS, INCORPORATED, et al.,

Civil Action No. C07-5374

7 Plaintiffs,

8 vs.

9 MARY SELECKY, Secretary of the  
10 Washington State Department of Health,  
11 et al.,

DECLARATION OF JOHN  
BREHANY

12 Defendants,

13 and

14 JUDITH BILLINGS, et al.,

Intervenors.

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16 I, John Brehany, Ph.D., S.T.L, make the following Declaration under penalty  
17 of perjury and pursuant to 28 U.S.C. §1746:

- 18 1. I am, and since September 2006, have served as, the Executive Director and  
19 Ethicist for the Catholic Medical Association ("CMA"), 29 Bala Ave., Suite  
20 205, Bala Cynwyd, PA 19004-3206. The CMA has approximately 1,600  
21 members.  
22  
23 2. The CMA was founded in 1932 and is the largest association of Catholic  
24 physicians in North America. The CMA exists to uphold the principles of the  
25 Catholic faith in the science and practice of medicine. One of the purposes of  
26 the CMA is also to support Catholic hospitals in faithfully applying Catholic  
27

moral principles in health care delivery.<sup>1</sup>

3. As CMA's Executive Director and Ethicist, my responsibilities include overseeing all operations of the CMA, providing guidance on health care ethics for individual members and on public policy issues, supporting membership and guild development, serving as CMA's spokesman to the media, and coordinating publications, advertising, and ongoing development of the Catholic Medical Association.
4. Before joining the Catholic Medical Association, I served as the Executive Director of Mission Services and Ethics for Mercy Medical Center, Sioux City, Iowa, where I was responsible for mission integration, ethics consultation and education, pastoral care, and the community benefit ministry program. From 1992 to 1997 I taught courses in systematic and moral theology at Mount Angel Seminary in St. Benedict, Oregon.
5. I received a received a Ph.D. in Health Care Ethics from Saint Louis University in 2003, a Licentiate in Sacred Theology from the John Paul II Institute for Studies on Marriage and Family in Washington, D.C. in 1991, and a M.A. in Philosophy from University of St. Thomas, Houston, Texas in 1987.
6. The CMA's ethical guidance to Catholic medical professionals and hospitals is guided by the teachings of the Catholic Church as found in the Catechism of the Catholic Church (CCC) and, in particular, by the Ethical and Religious

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<sup>1</sup> Catholic Medical Association, *Mission & Purpose*,  
[http://www.cathmed.org/about/background/mission\\_purpose/](http://www.cathmed.org/about/background/mission_purpose/).

1 Directives for Catholic Health Care Services (“Ethical and Religious  
2 Directives”),<sup>2</sup> a document issued by the United States Conference of Catholic  
3 Bishops. The Ethical and Religious Directives “reaffirm the ethical standards  
4 of behavior in health care that flow from the Church’s teaching on the dignity  
5 of the human person” and “provide authorization guidance on certain moral  
6 issues that face Catholic health care today.”<sup>3</sup>  
7

- 8 7. The Ethical and Religious Directives state, among other things, that “Catholic  
9 health care institutions are not to provide abortion services, even based upon  
10 the principle of material cooperation.”<sup>4</sup> Further, the Ethical and Religious  
11 Directives define abortion as “the termination of pregnancy before viability . . .  
12 includ[ing] the interval between conception and implantation.”<sup>5</sup>  
13  
14 8. Pope Benedict XVI has encouraged Catholic pharmacists to advocate for their  
15 right of conscientious objection, specifically the right “not to collaborate either  
16 directly or indirectly by supplying products for the purpose of decisions that  
17 are clearly immoral such as, for example, abortion or euthanasia.”<sup>6</sup>  
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21 <sup>2</sup> United States Conference of Catholic Bishops, *Ethical and Religious Directives for*  
22 *Catholic Health Care Services, Fifth Edition*, available at [http://www.usccb.org/issues-](http://www.usccb.org/issues-and-action/human-life-and-dignity/health-care/upload/Ethical-Religious-Directives-Catholic-Health-Care-Services-fifth-edition-2009.pdf)  
[and-action/human-life-and-dignity/health-care/upload/Ethical-Religious-Directives-](http://www.usccb.org/issues-and-action/human-life-and-dignity/health-care/upload/Ethical-Religious-Directives-Catholic-Health-Care-Services-fifth-edition-2009.pdf)  
[Catholic-Health-Care-Services-fifth-edition-2009.pdf](http://www.usccb.org/issues-and-action/human-life-and-dignity/health-care/upload/Ethical-Religious-Directives-Catholic-Health-Care-Services-fifth-edition-2009.pdf).

23 <sup>3</sup> *Id.* at 4.

24 <sup>4</sup> *Id.* ¶ 45.

25 <sup>5</sup> *Id.*

26 <sup>6</sup> *Address of His Holiness Benedict XVI to Members of the International Congress of*  
27 *Catholic Pharmacists* (Oct. 29, 2007), available at  
[http://www.vatican.va/holy\\_father/benedict\\_xvi/speeches/2007/october/documents/hf\\_ben-](http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/october/documents/hf_ben-xvi_spe_20071029_catholic-pharmacists_en.html)  
[xvi\\_spe\\_20071029\\_catholic-pharmacists\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/october/documents/hf_ben-xvi_spe_20071029_catholic-pharmacists_en.html).

- 1 9. The Ethical and Religious Directives permit Catholic health care institutions  
2 to treat sexual assault victims with emergency contraception under certain  
3 conditions. The Directives state that “[a] female who has been raped should be  
4 able to defend herself against a potential conception from the sexual assault.”<sup>7</sup>  
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6 10. After “appropriate testing” shows “no evidence that conception has occurred  
7 already,” a Catholic hospital may treat a sexual assault victim with  
8 “medications that would prevent ovulation, sperm capacitation, or  
9 fertilization.”<sup>8</sup> It is “not permissible, however, to initiate or recommend  
10 treatments” that could cause “the removal, destruction, or interference with  
11 the implantation of a fertilized ovum.”<sup>9</sup>  
12  
13 11. The Ethical and Religious Directives also require Catholic health care  
14 institutions to “respect the diocesan bishop’s pastoral responsibility.”<sup>10</sup> The  
15 Directives state that, “[a] teacher, the diocesan bishop ensures the moral and  
16 religious identity of the health care ministry.”<sup>11</sup>  
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24 <sup>7</sup> *Id.* ¶ 36.

25 <sup>8</sup> *Id.*

26 <sup>9</sup> *Id.*

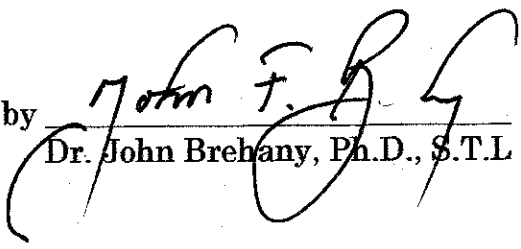
27 <sup>10</sup> *Id.* ¶ 37.

<sup>11</sup> *Id.* at 8.

1 12. In the judgment of the Catholic moral tradition, a law that requires a health  
2 care institution or professional to violate a judgment of conscience—  
3 particularly in a matter as serious as cooperation in the destruction of  
4 innocent human life—is an unjust law, and one is not morally bound to obey  
5 it.<sup>12</sup>

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8 I declare under penalty of perjury that the foregoing is true and correct.

9  
10 Executed on DECEMBER 15, 2011 by

  
11 Dr. John Brehany, Ph.D., S.T.L.  
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27 <sup>12</sup> See *Catechism of the Catholic Church* §§ 1778, 1795, 2242 (2d ed. 2000).